

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

RAYMOND W. LYNCH

v.

CA 11-043 ML

WARDEN KETTLE

MEMORANDUM AND ORDER

This matter is before the Court on the Objection of Petitioner (Docket #16) to a Report and Recommendation (Docket #15) issued by Magistrate Judge Martin on September 15, 2011. The Court has reviewed the Report and Recommendation and Petitioner's Objection. Finding no merit in Petitioner's Objection, the Court adopts the Report and Recommendation in its entirety. The Motion to Dismiss is GRANTED.

Pursuant to Rule 11(a) of the Rules Governing § 2254 Proceedings in the United States District Courts (§ 2254 Rules), this Court hereby finds that this case is not appropriate for the issuance of a certificate of appealability (COA) because the Petitioner has failed to make a substantial showing of the denial of a constitutional right as to any claim, as required by 28 U.S.C. § 2253(c)(2).

The Petitioner is advised that any motion to reconsider this ruling will not extend the time to file a notice of appeal in this matter. See § 2254 Rule 11(a).

SO ORDERED:

/s/ Mary M. Lisi
Mary M. Lisi
Chief United States District Judge
October 11, 2011